



TAMIL NADU GOVERNMENT GAZETTE

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Part II—Section 1

Notifications or Orders of specific character or of particular interest to the public
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

HOME, PROHIBITION AND EXCISE DEPARTMENT

Secretariat, 19th August 2021.

No. II(1)/HOPE/22(a)/2021.

[PREVENTIVE DETENTION-TAMIL NADU PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, CYBERLAW OFFENDERS, DRUG-OFFENDERS, FOREST OFFENDERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS, SAND-OFFENDERS, SEXUAL-OFFENDERS, SLUM-GRABBERS AND VIDEOPIRATES ACT, 1982 (TAMIL NADU ACT 14 OF 1982)—PRECEDURE TO BE FOLLOWED FOR GRANT OF TEMPORARY RELEASE TO THE PERSONS DETAINED UNDER TAMIL NADU ACT 14 OF 1982 TO ATTEND THE DEATH / FUNERAL OF THEIR CLOSE RELATIVES UNDER SECTION 15 OF TAMIL NADU ACT 14 OF 1982 - ORDERS - ISSUED.]

The following Government Order is published:-

*[G.O. Ms. No. 30, Home, Prohibition and Excise (XVI), 19th August 2021,
ஆவணி 3, பிலவ, திருவள்ளூர் ஆண்டு-2052.]*

READ:

1. From the Advocate General of Tamil Nadu, High Court of Madras, Chennai, Letter Roc. No. 196/AGRS/2021, dated 06.07.2021.
2. From the Advocate General of Tamil Nadu, High Court of Madras, Chennai, Letter Roc. No. 211/AGRS/2021, dated 20.07.2021.
3. From the Director General of Police / Director General of Prisons and Correctional Services, Chennai, Letter No. 22580/PS-2/2021, dated 28.07.2021.
4. From the Registrar General (i/c), High Court of Madras, Chennai, Letter Roc. No. 59895-A/2021/F1, dated 12.08.2021.

Order: No. 30, Home, Prohibition and Excise (XVI), 19th August 2021.

According to Section 15 (1) of Tamil Nadu Act 14 of 1982 the State Government, may, at any time, that any person detained in pursuance of a detention order may be released for any specified period, either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time cancel his release. However, due to paucity of time and in order to follow the administrative procedures, temporary release of person detained under Tamil Nadu Act 14 of 1982 to attend to the death / funeral of their close relatives could not be granted in time.

(2) The Hon'ble Committee for Revision of Criminal Rules of Practice of the High Court of Madras, with a view to discuss the issue of exercising of powers conferred to the Government under Section 15 of Tamil Nadu Act 14 of 1982 (Goondas Act) to release the persons detained under the said Act temporarily to attend the death or funeral of their close relatives, convened a meeting under the Chairmanship of Hon'ble Thiru Justice P.N. Prakash with Hon'ble Dr. Justice. G. Jayachandran, Hon'ble Thiru. Justice N. Sathish Kumar as Members on 13-07-2021 in the Meeting Hall, Additional Library Block, High Court, Madras through video conferencing. Thiru. R. Shunmugasundaram, Advocate General of Tamil Nadu, Thiru. S.K. Prabakar, I.A.S., Additional Chief Secretary to Government and Thiru. Sunil Kumar Singh, I.P.S., Director General of Police / Director General of Prisons and Correctional Services also attended the meeting.

(3) Based on the discussion had in the above meeting, the Hon'ble Committee had resolved the following:-

(i) The Home Department would take appropriate steps for bringing about an amendment to Section 15 of Tamil Nadu Act 14 of 1982, thereby delegating the power in respect of grant of temporary release for detenus to attend the deaths of their close relatives, to an authority at the district level.

(ii) Pending amendment, as aforesaid, the Home Department, in consultation with the Prison Department, would notify a procedure, under which, applications for temporary release of detenus under Section 15, for the purpose of the detenus attending the deaths of their close relatives, would be processed by the Government sans delay.

(4) Accordingly, the Government, based on the broad idea arrived at in the discussion held by the Hon'ble Committee, and in consultation with the Director General of Police / Director General of Prisons and Correctional Services, formulated the following procedure to be adopted at the time of receipt of request for grant of temporary release to the persons detained under Tamil Nadu Act 14 of 1982 to attend the death / funeral of their close relatives under Section 15 of the above said Act:-

(a) When applications are received from the detenus concerned or from their close relatives, the Superintendent of Prison concerned has to send the same to the sponsoring authority (Inspector of Police) for confirming the genuineness of the claim made in the application.

(b) While making such applications, they should always be accompanied by the death certificate issued by the respective local body or a certificate to this effect obtained from the Village Administrative Officer or Doctor or Member of Legislature / Member of Parliament or Chairman of the Municipal Council or President of Panchayat or Revenue Inspector or Tahsildar or Sub-Inspector of Police having jurisdiction over the area concerned.

(c) The Sponsoring Authority concerned upon receipt of the reference from the Superintendent of Prison concerned has to certify the genuineness of the facts mentioned in the application of the detenus or his relative and make his recommendation for such release after ascertaining the fact that whether his presence would not create any law and order problem in the area to which the detenu has proposed to visit, and the safety of the detenu during his presence there and his report has to be sent to the Superintendent of Prison concerned immediately without any loss of time.

(d) On receipt of the report of Sponsoring Authority, the Superintendent of Prison concerned shall immediately forward the above application along with the report of the sponsoring authority to the Government in Home, Prohibition and Excise Department immediately without any delay through e-mail or fax to the email id or number specified by the Government for this purpose i.e., pesection16goondas@gmail.com or Fax No. 044-2567 2431 and the contact number is 044-2567 4235.

(e) The Government, after receipt of the report from the Superintendent of Prison shall examine the request and pass appropriate orders at the level of Additional Chief Secretary, Home, Prohibition and Excise Department in Government or by the official to whom the powers are to be delegated for this purpose.

(f) For the purpose of release of detenus under the above section for attending the death or funeral of the close relatives, the maximum permissible period of time is 48 hours only which includes their travel time on both ways and the term "Close relatives" means father, mother, wife, husband, son, daughter, full brother, full sister as the case may be.

(g) The above arrangement is purely a stop gap arrangement for the purpose of temporary release of the persons detained under Tamil Nadu Act 14 of 1982 for the above said purpose of exercising the power conferred under Section 15 of Tamil Nadu Act 14 of 1982 until a decision is taken by the Government to amend the Section 15 of the above said Act so as to delegate the above power to the detaining authorities concerned, at the district level.

(h) The temporary release of such detenus should always be with escort at the level of Sub Inspector of Police throughout the period of their temporary release. The strength of Police escort may be increased at the discretion of the Superintendent of Prison in the case of high security detenus.

(i) The application for temporary release under this section will be considered only for the purpose of attending the death or funeral of the close relatives of the detenus.

(5) As soon as a request for grant of temporary release to the person detained under Tamil Nadu Act 14 of 1982 is received, the Officials concerned viz., the Superintendent of Prison and the Sponsoring Authority shall process the said request with utmost speed and send the report to the Government so as to enable the Government to process and issue orders without giving any room for grievance of delay.

(By Order of the Governor)

S.K. PRABAKAR,
Additional Chief Secretary to Government.